Calendar No. 1129

100TH CONGRESS *2d Session*	SENATE	REPORT 100-594

DRUNK DRIVING PREVENTION ACT OF 1988

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 2549

OCTOBER 7 (legislative day, OCTOBER 6), 1988.—Ordered to be printed

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Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2549]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2549) to promote highway traffic safety by encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 2549, as reported, establishes a new incentive grant program to encourage the States to adopt tough, effective laws to reduce the incidence of drunk driving. The new grants are intended to assist States that provide expedited driver's license suspension or revocation systems, self-sustaining drunk driving prevention programs, better enforcement of the national minimum drinking age, comprehensive blood alcohol content (BAC) testing in accidents involving fatalities or serious injuries, and suspension of the registration and return of the license plates of vehicles owned by repeat drunk driving offenders.

In order to assure that these grants supplement the States' current expenditures on drunk driving, the recipient States would be required to enter into agreements to maintain aggregate expenditures on drunk driving from all other sources at previously established levels. This legislation also requires the Secretary of Transportation (Secretary) to undertake arrangements for a study by the National Academy of Sciences (NAS) to determine the appropriate blood alcohol concentration at which the driver of a motor vehicle should be deemed to be under the influence of alcohol.

Background and Needs

Over the past decade, a quarter of a million people have been killed as a result of the action of drunk drivers. More than 50 percent of all highway deaths are alcohol related. Over 23,000 people are killed and 560,000 injured each year in traffic accidents involving alcohol. The total cost to society of drunk driving is estimated at $26 billion annually. The problem is so widespread that an estimated 2 out of every 5 Americans will be involved in an alcohol-related crash at some point in their lives.

With an increased national and legislative focus on the problem, including enactment of Federal laws similar to S. 2549, some progress has been made. According to the National Highway Traffic Safety administration (NHTSA), 25,170 Americans were killed in alcohol-related crashes in 1982. In 1987, the number was down to 23,500, a decrease of 7 percent. However, these numbers also demonstrate that the problem is far from solved. Additionally, in May 1988 a bus accident in Kentucky was another dramatic reminder that much more remains to be done. In that accident a driver alleged to have a blood alcohol level over twice the legal limit collided with a bus filled with children, and 27 lives were lost in one accident.

The Committee has jurisdiction over highway safety under Paragraph 4 of Section 1(f)(1) of Senate Rule XXV, and has acted in the area of drunk driving prevention numerous times in the past. For example, in both the 97th Congress (S. 2158) and the 98th Congress (S. 1108), bills on drunk driving prevention were referred to and reported by the Committee. These bills led to the current Alcohol Incentive Grant Program codified at 23 U.S.C. 408. The section 408 program authorizes incentive grants to States that enact and enforce certain tough drunk driving laws. It is administered by NHTSA and the grant amounts are based on a percentage of the State's highway safety grant under 23 U.S.C. 402, a program also authorized by the Committee. The section 402 program provides funds to assist States in carrying out required highway safety programs which must be approved by the Secretary. The funding is apportioned based on a State's population and its public road mileage.

The Committee believes that its prior efforts have been beneficial in addressing the problem of drunk driving, and that those efforts should be reinforced. Accordingly, S. 2549 would establish a similar incentive grant program to encourage enactment of measures that have been found to be highly effective in preventing drunk driving. Like earlier bills reported by the Committee, the grant amounts would be calculated as a percentage of a State's section 402 grants.

Legislative History

On June 21, 1988, Senator Lautenberg introduced S. 2459. The bill was referred to the Committee, and on August 2, 1988, the Consumer Subcommittee conducted a hearing. On September 20, 1988, the Committee met in open executive session to consider S. 2549, and, by a voice vote, ordered the bill reported with two amendments. The amendments, offered by Senator Danforth, (1) added a supplemental grant for States that require return of license plates

and car registration of vehicles owned by repeat drunk driving offenders; and (2) made a technical change regarding the means by which States may fund their self-sustaining drunk driving programs.

Summary of Major Provisions

The bill as reported amends chapter 4 of title 23, U.S. Code, by adding a new section 410. The major provisions of this new section are:

1. The bill authorizes a new incentive grant program, to be funded out of the Highway Trust Fund, to encourage the States to adopt tough, effective laws to reduce drunk driving. The program is authorized for 3 years, at a level of $25 million in the first year, and $50 million in each of the following 2 years. Two levels of grants are authorized—basic and supplemental. States qualifying for the basic grant will be eligible to qualify for supplemental funds.

For the basic grant, a State may receive an amount equal to 30 percent of the funds apportioned to the State under the section 402 highway safety program. The basic grant is available to States that return funds in the amount of drunk driving fines to drunk driving prevention programs, and pass a law providing for administrative suspension of drivers' licenses within 15 days.

Supplemental grants are available in amounts equal to 20 percent of the funds apportioned to the State under the section 402 program. A State may receive a supplemental grant for any of the following 3 actions:

(1) passage of a law requiring BAC testing of the driver in accidents involving death or serious bodily injury;

(2) enactment of a program to prevent underage drivers from getting alcohol, including utilization of a distinctive drivers' license for anyone under 21 years of age; and

(3) enactment of a law providing for suspension of the car registration and return of the license plates of any vehicle owned by a driver convicted of more than one alcohol-related offense or of driving with a license suspended or revoked because of an alcohol-related offense.

2. The bill directs the Secretary to enter into an agreement with NAS to conduct a study to determine the appropriate blood alcohol concentration at which the driver of a motor vehicle should be deemed to be under the influence of alcohol.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 26, 1988.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2549, the Drunk Driving Prevention Act of 1988.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM, *Acting Director.*

CONGRESSIONAL BUDGET OFFICE, COST ESTIMATE

1. Bill number: S. 2549.
2. Bill title: Drunk Driving Prevention Act of 1988.
3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, September 20, 1988.
4. Bill purpose: S. 2549 would establish new grants for states that adopt and implement drunk driving enforcement programs and would provide contract authority from the Highway Trust Fund of $25 million in fiscal year 1989 and $50 million in each of fiscal years 1990 and 1991. This contract authority would be exempt from the obligation ceiling for state and community highway safety programs. States could receive these grants only if they adopt drunk driving enforcement programs conforming to standards set by the bill and could use the funds only to implement such programs.
5. Estimated cost to the Federal Government: S. 2549 provides direct spending authority from the Highway Trust Fund, as shown in the following table.

[By fiscal years, in millions of dollars]

	1989	1990	1991	1992	1993
Budget authority	25	50	50		
Estimated outlays	10	26	39	28	17

The costs of this bill fall within budget function 400.

Basis of estimate: For the purpose of this estimate, CBO assumes that S. 2549 will be enacted early in fiscal year 1989. The budget authority amounts are specified in the bill, and outlay estimates are based on historical spending patterns.

The bill also directs the Department of Transportation to make arrangements with the National Academy of Sciences to conduct a study of blood alcohol levels. Based on information provided by the Department of Transportation. CBO expects that this study would cost about $400,000. The bill would not authorize any additional funds for this purpose.

6. Estimated cost to State and local governments: The bill would fund additional grants to states that establish conforming drunk driving programs. The federal share of the costs of these programs

would be 75 percent in the first year, then decline to 25 percent in the third.

7. Estimate comparison: None.

8. Previous CBO estimate: On July 21, 1988, CBO prepared an estimate for a similar bill, S. 2367, as ordered reported by the Senate Committee on Environment and Public Works on July 14, 1988. The budget authority and estimated outlays provided by the two bills are identical.

9. Estimate prepared by: Marjorie Miller.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

NUMBER OF PERSONS COVERED

The bill would establish a new category of incentive grants similar to those now administered by NHTSA. Administration of these grants will require promulgation of a rule by NHTSA regarding the means by which the States may qualify for these new grants. However, particularly because of the administrative similarity between these new grants and current section 408 grants, it is not anticipated that this bill will impose any significant new regulatory burden.

ECONOMIC IMPACT

The Committee does not envision that any significant economic impact would be imposed as a result of enactment of this bill. Funds used for incentive grants to the States will come from the Highway Trust Fund and will not require any new appropriation from the U.S. treasury. In any event, it is not certain that States will qualify for grants in the full amount authorized. Past experience with similarly structured grant programs indicates that the amount expended will be considerably less than that authorized.

PRIVACY

The bill as reported would have no effect on the personal privacy of individuals affected.

PAPERWORK

The bill as reported may result in limited additional paperwork for State highway departments as well as the Department of Transportation (DOT). States that wish to receive grants will be required to submit materials demonstrating their qualifications for those grants. DOT will have to promulgate new regulations describing the grant requirements and the necessary documentation from the States regarding those requirements.

SECTION-BY-SECTION ANALYSIS

SECTION 1.—SHORT TITLE

This section states the short title of the bill, the "Drunk Driving Prevention Act of 1988."

SECTION 2.—DRUNK DRIVING PREVENTION PROGRAMS

This section adds a new section 410 to title 23, U.S. Code, authorizing a new incentive grant program to encourage States to adopt laws that have proven effective in reducing drunk driving fatalities. It authorizes the Secretary to make basic and supplemental grants to the States, in accordance with the criteria outlined in the bill. In receiving such grant funds, a State may not reduce the amount of funds already allocated for drunk driving programs.

Funding

The grant program is authorized for 3 years, and is intended to provide seed money to the States to develop enhanced, comprehensive drunk driving programs. Accordingly, the percentage of total costs of a State program which may be covered by the grant funds will decrease from 75 percent of program costs in the first year of participation to 25 percent of costs in the third year of participation, subject to an annual maximum of an amount equal to 30 percent of a State's apportionment under section 402 for basic grants and an annual maximum of 20 percent of section 402 apportionments for supplemental grants.

Thus, the amount of funding a State may receive is limited not only by the matching share requirements discussed above, but also by the amount of the State's section 402 apportionment for fiscal year (FY) 1989. A State meeting the basic grant criteria may receive a maximum grant equaling 30 percent of its apportionment under section 402 for FY 1989. A State meeting these basic elements may then be eligible for supplemental funding, if additional criteria are met. A State would be eligible for a supplemental grant not to exceed 20 percent of its FY 1989 section 402 apportionments for each supplemental grant criterion it fulfilled.

The section 402 apportionment amount is relevant to this section only in setting the maximum amount for grants. Participation in the new section 410 program will not affect in any way a State's eligibility for, or receipt of, funds under section 402, or any other highway safety grant programs. Receipt of section 410 grants set at amounts related to section 402 apportionments will not reduce the amount the State receives under section 402.

Basic grant eligibility criteria

There are two eligibility criteria for basic grants. First, a State must adopt a program for the expedited administrative revocation or suspension of the driver's license of an individual found to be driving while under the influence of alcohol, as determined by one or more chemcial tests, or an individual who refuses to submit to such a test.

This section requires that, upon making the determination that the driver in question is under the influence of alcohol as indicated

above, the law enforcement official involved must take possession of the driver's license, and provide the driver with a notice of suspension or revocation including a statement of the driver's rights in connection with such procedures. The actual suspension or revocation must take effect within 15 days of the date on which the notice is served. The suspension is required to be a minimum of 90 days for a first offender and a minimum of 1 year for a repeat offender. A judicial proceeding within the 15 day time frame is not required. However, an administrative proceeding providing the individual with the requisite due process must be available within 15 days.

The Secretary is required by this section to issue regulations providing guidelines for the States on the procedures necessary to insure due process of law. Additionally, in promulgating regulations implementing the requirements regarding minimum periods of license suspension, the Committee expects that the Secretary will require the States to provide for periods of "hard" suspension, during which the driver may not receive conditional driving privileges.

The administrative suspension law required for the basic grant has been demonstrated to be of most effective measures for reducing the incidence of drunk driving fatalities. The Insurance Institute for Highway Safety recently completed a study on this point, "Fatal Crash Involvement and Laws Against Alcohol-Impaired Driving." The study found administrative suspension laws currently in force to be the most effective of all the laws studied in reducing alcohol-related driving fatalities, and found a 9 percent reduction in alcohol-related fatalities attributable to such laws.

The second criterion for a basic grant requires the States to adopt a self-sustaining comprehensive drunk driving program. This means that the States must return funds in an amount equal to the fines and other fees collected from drunk driving offenders to the communities for use in drunk driving enforcement programs. This is to insure that adequate resources are made available to fund these programs. While the bill as introduced required that the fines themselves be put to use in drunk driving programs, the Committee subsequently became aware that certain States constitutionally prohibit the use of such fines for anything other then education. Accordingly, the Committee adopted a technical amendment to permit the self-sustaining drunk driving prevention program to be funded by the use of an amount of non-Federal revenues equivalent to the fines collected from drunk drivers, rather than by the fines themselves.

Supplemental grant eligibility criteria

The bill establishes three separate bases on which supplemental grants will be made available. These grants can be awarded only to States that have met the two criteria for a basic grant in addition to the supplemental criteria. A State can receive additional funds up to an amount equal to 20 percent of its section 402 apportionments for each supplemental grant criteria it meets.

The first supplemental criterion requires enactment of a law providing for mandatory testing of the driver's blood alcohol level in accidents in which a law enforcement officer has probable cause to

believe that a driver in an accident involving death or serious injury has committed an alcohol-related offense. Currently, such testing is often omitted, particularly if the driver is unconscious. Increased testing in such accidents will vastly improve the data available on the incidence of drunk driving, and also will insure the availability of evidence in any criminal or civil litigation arising out of the accident.

A second supplemental grant is available to States that establish an effective system for preventing drivers under the age of 21 from obtaining alcohol. This system may involve the use of readily distinguisable drivers' licenses for drivers under 21. All States currently establish 21 as the minimum drinking age. The intent of this provision is to enhance enforcement of that law, and the Committee believes that use of the driver's license is one of the most effective methods of doing so. Several States currently issue licenses for under-21 drivers that are either color-coded or contain a different type of photograph (e.g. side view instead of front view) from the licenses of other drivers. The Committee endorses these methods, and believes that, in order to be effective, the licenses also should be tamper-resistant.

The final supplemental criterion was adopted by the Committee as an amendment to the bill as introduced. It encourages States to enact laws providing for the confiscation of license plates and return to the State of the car registration of any vehicle owned by an individual (1) convicted of multiple alcohol-related traffic offenses or (2) convicted of driving while the driver's license has been suspended or revoked for an alcohol-related offense.

This supplemental grant criterion was adopted because of the Committee's concern over the number of violators who continue to drive after the drivers' licenses have been suspended. In 1983, the National Transportation Safety Board published a report entitled "Deficiencies in Enforcement, Judicial, and Treatment Programs Related to Repeat Offender Drunk Drivers." The report found that two-thirds of those who have had their licenses suspended or revoked admitted to driving during the period of suspension or revocation. Other studies estimate that between 50 and 80 percent of people with suspended or revoked licenses continue to drive. Effective enforcement of drunk driving laws requires that those whose licenses are suspended or revoked actually stop driving. This supplemental grant is believed to be an effective measure toward that end.

In adoption this provision, however, Committee members expressed concern that this provision, if strictly construed, could work an intolerable hardship on family members of the convicted individual. Particularly in rural or other areas that lack public transportation, use of an automobile can be indispensible to holding a job, obtaining necessary food and clothing items, or meeting other family obligations. Thus, it is the intent of the Committee that the Secretary, in issuing implementing regulations, should take a flexible approach to this criterion. The States should be permitted to strike a balance between the need to prevent the drunk driver from driving and the needs of the family for transportation. States should be approved for grants if the provisions they enact allow for hardship exceptions on a case-by-case basis, although

these exceptions should not result in unrestricted return of the license plates and registration. In the Committee's view, the basis for a hardship exception would exist if withdrawal of the license and registration would unduly burden a family member or co-owner of the vehicle.

For example, a law recently became effective in Minnesota requiring impoundment of license plates for repeat driving while intoxicated offenders. However, the law provides for a special and distinctive license plate which can be issued in particular circumstances to avoid certain hardships. The Committee believes that this provision is one way, although not the only way, in which States may structure these laws to avoid unreasonable burdens on innocent family members or co-owners. While these laws establish an important sanction against the drunk driver, the Committee hopes that States, in enacting these laws, will give due consideration to the needs of other users of the vehicles involved.

In determining the eligibility of a State for basic and supplemental grants under this bill, the Committee expects that the Secretary will accept any laws enacted by the States prior to this legislation which meet the stated grant requirements.

SECTION 3.—BLOOD ALCOHOL CONCENTRATION STUDY

This section directs the Secretary to undertake to enter into arrangements with NAS for a study to determine the BAC level at which an individual should be deemed to be driving under the influence of alcohol. Most States have adopted the level of 0.10 percent BAC. The Committee believes that a study is necessary to assess whether, and in what if any circumstances, a lower level would be appropriate.

The Transportation Research Board of NAS recently completed a study in this area, "Zero Alcohol and Other Options: Limits for Trucks and Bus Drivers," as required by the Commercial Motor Vehicle Safety Act of 1986, P.L. 99-570, based on legislation that was reported by the Committee. The Committee believes that the data collected for this earlier study will be of value in conducting the new BAC study, and expects that such data will be utilized.

This section requires that the Secretary's arrangements for the BAC study include a request for submission of a report by NAS no later than 1 year after enactment of this legislation.

SECTION 4.—REGULATIONS

This section requires the Secretary to issue proposed implementing regulations no later than December 1, 1988, and final implementing regulations no later than March 1, 1989. The regulations are to be promulgated in accordance with the requirements of Chapter 5 of title 5, U.S. Code (which codifies the Administrative Procedure Act), including requirements for public notice and comment. The Secretary is to transmit the final rule, when published, to the Congress.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as

reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman).

TITLE 23, UNITED STATES CODE

Chapter 4 of that Title

Sec.
401. Authority of the Secretary.
* * *
409. Admission as evidence of certain reports and surveys.
410. Drunk driving enforcement programs.

SECTION 409 OF THAT TITLE

§ 409. Admission as evidence of certain reports and surveys

* * *

§ 410. Drunk driving enforcement programs

(a) Subject to the provisions of this section, the Secretary shall make basic and supplemental grants to those States which adopt and implement drunk driving enforcement programs which include measures, described in this section, to improve the effectiveness of the enforcement of laws to prevent drunk driving. Such grants may only be used by recipient States to implement and enforce such measures.

(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for drunk driving enforcement programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this section.

(c) No State may receive grants under this section in more than three fiscal years. The Federal share payable for any grant under this section shall not exceed—

(1) in the first fiscal year a State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year the drunk driving enforcement program adopted by the State pursuant to subsection (a) of this section;

(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

(3) in the third fiscal year the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

(d)(1) Subject to subsection (c) of this section, the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(1) of this section shall equal 30 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title.

(2) Subject to subsection (c) of this section, the amount of a supplemental grant made under this section for any fiscal year to any

State which is eligible for such a grant under subsection (f) of this section shall not exceed 20 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title. Such supplemental grant shall be in addition to any basic grant received by such State.

(e) For purposes of this section, a State is eligible for a basic grant if such State provides for—

(1) an expedited driver's license suspension or revocation system which requires that—

(A) when a law enforcement officer has probable cause under State law to believe an individual has committed an alcohol-related traffic offense, and such individual is determined, on the basis of one or more chemical tests, to have been under the influence of alcohol while operating the motor vehicle concerned or refuses to sumit to such a test as proposed by the officer, such officer shall serve such individual with a notice of suspension or revocation, which shall provide information on the administrative procedures by which a State may suspend or revoke a license for drunk driving and specify any rights of the driver in connection with such procedures, and shall take possession of the driver's license of such individual;

(B) after serving such notice and taking possession of such driver's license, the law enforcement officer shall immediately report to the State entity responsible for administering driver's licenses all information relevant to the enforcement action involved;

(C) upon receipt of the report of the law enforcement officer, the State entity responsible for administering driver's licenses shall, where an individual is determined on the basis of one or more chemical tests to have been intoxicated while operating a motor vehicle or is determined to have refused to submit to such a test as proposed by the officer, (i) supend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender and (ii) suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender;

(D) such suspension or revocation shall take effect at the end of a period of not more than 15 days immediately after the day on which the driver first received notice of the suspension or revocation; and

(E) the determination as required by subparagraph (C) of this paragraph shall be in accordance with a process established by the State, under guidelines established by the Secretary to ensure due process of law, (i) for such administrative determinations and (ii) for reviewing such determinations, upon request by the affected individual within the period specified in subparagraph (D) of this paragraph; and

(2) a self-sustaining drunk driving enforcement program under which the fines or surcharges collected from individuals convicted of driving a motor vehicle while under the influence of alcohol are returned, or an equivalent amout of non-Federal

revenues is provided, to those communities which have comprehensive programs for the prevention of drunk driving.

(f) For purposes of this section, a State is eligible for a supplemental grant if such State is eligible for a basic grant and in addition such State provides for—

(1) mandatory blood alcohol content testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a collision resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense;

(2) an effective system for preventing drivers under age 21 from obtaining alcoholic beverages, which may include the issuance of driver's licenses to individuals under age 21 that are easily distinguishable in appearance from driver's licenses issued to individuals 21 years of age or older; and

(3) the suspension of the registration of, and the return to the State of the license plates for, any motor vehicle owned by an individual who—

(A) has been convicted of more than one alcohol-related traffic offense; or

(B) has been convicted of driving while the driver's license of such individual is suspended or revoked by reason of a conviction for an alcohol-related traffic offense.

(g) There are authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending September 30, 1989, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1990, and September 30, 1991. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.

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